

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

DANNY J. LAROCCO,

Plaintiff,

v.

Case No. 8:23-cv-2033-CEH-TGW

HILLSBOROUGH COUNTY
SHERIFF'S OFFICE, et al.,

Defendants.

ORDER

Larocco, a Florida prisoner, filed a Motion for Default, a proposed order entering default, a proposed subpoena duces tecum, and a Notice of Production (Doc. 1). Larocco, however, failed to file a complaint. This Court can enter a default and issue a subpoena only after an action is initiated by filing a complaint. *See* Rule 3, Fed.R.Civ.P. (“A civil action is commenced by filing a complaint with the court.”); *In re Managed Care Litig.*, 2020 WL 6044557, at *3 (D. Or. Oct. 13, 2020) (“[P]ursuant to Rule 45(a)(2), in order to issue a federal subpoena, there must be a ‘pending action.’”).

Accordingly, this case is **DISMISSED** without prejudice to Larocco initiating an action by filing a complaint in a new case with a new case number and either paying the filing fee or moving for leave to proceed as a pauper. The Clerk is directed to close this case.

ORDERED in Tampa, Florida, on September 20, 2023.


Charlene Edwards Honeywell
United States District Judge

Copy to: Danny J. Larocco, *pro se*